



PAG-13
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR STORMWATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

NPDES PERMIT NO. [REDACTED]

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq.,

[REDACTED]
is authorized to discharge from a regulated small municipal separate storm sewer system (MS4) located in [REDACTED], [REDACTED] County to [REDACTED] in Watershed(s) [REDACTED] in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C herein.

APPROVAL OF COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT IS AUTHORIZED BEGINNING ON [REDACTED]. WHEN THE GENERAL PERMIT IS RENEWED, REISSUED OR MODIFIED, THE FACILITY OR ACTIVITY COVERED BY THE APPROVAL FOR COVERAGE MUST COMPLY WITH THE FINAL RENEWED, REISSUED OR MODIFIED GENERAL PERMIT.

The authority granted by coverage under this General Permit is subject to the following further qualifications:

1. The permittee shall comply with the effluent limitations and reporting requirements contained in this General Permit.
2. Following initial coverage under this General Permit, the submission of an Annual MS4 Status Report in accordance with Part C of the General Permit shall constitute the permittee's Notice of Intent (NOI) for continued coverage under the General Permit. The permittee shall be responsible for complying with the final renewed or amended General Permit. If the permittee is unable to comply with the renewed or amended General Permit, the permittee must submit an application for an individual NPDES permit within 90 days of publication of the final General Permit.
3. If there is a conflict between the NOI or its supporting documents and the terms and conditions of this General Permit, the terms and conditions of this General Permit shall apply.
4. Failure to comply with the terms, conditions, or effluent limitations of this General Permit is grounds for enforcement action, permit termination or revocation.

Commented [OE1]: Is this legal under NPDES regulation?

The aforementioned approval is authorized by:

Clean Water Program Manager
[REDACTED] Regional Office
Department of Environmental Protection



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In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (DEP) hereby authorizes, by this General Permit, subject to the terms and conditions contained herein, the discharge of stormwater from small municipal separate storm sewer systems (MS4s) to receiving waters of the Commonwealth. This General Permit authorizes discharges to receiving waters in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C and Appendices A, B, C, D and E herein.

Eligible dischargers who wish to be covered under this General Permit must submit a Notice of Intent (NOI) to DEP in accordance with the requirements of this General Permit, using the NOI form provided by DEP.

No new discharge may be commenced under this General Permit until the applicant complies with all of the following:

1. The applicant has submitted a complete Notice of Intent (NOI) in accordance with the requirements of this General Permit, using a NOI form provided by DEP.
2. The applicant has received a signed copy of this General Permit authorizing coverage under this General Permit from DEP.

DEP may deny coverage under this General Permit and require submission of an application for an individual permit based on a review of the NOI or other relevant information, including monitoring data.

Once coverage is approved, coverage continues automatically as the PAG-13 General Permit is renewed. The submission of an NOI to renew coverage is not required unless DEP notifies the permittee in writing that the submission of an NOI is required to continue coverage.

Commented [OE2]: Same comment as previous page. Legal?

SCOPE

This PAG-13 General Permit is intended to provide NPDES permit coverage to existing or proposed regulated small MS4s for discharges of stormwater to waters of the Commonwealth. Permittees operating under this General Permit have been either automatically designated as regulated by EPA pursuant to 40 CFR § 122.32(a)(1) or designated as regulated by DEP under 40 CFR § 122.32(a)(2). This General Permit doesis not ~~intended to~~ provide NPDES permit coverage to existing or proposed stormwater discharges associated with industrial activity as defined in 40 CFR § 122.26(b)(14).

NOI REQUIREMENTS

Deadlines for NOI

Persons seeking coverage under this PAG-13 General Permit must submit an administratively complete and acceptable NOI at least 180 days prior to commencing any discharge. Persons authorized to discharge from a regulated small MS4 under an individual NPDES permit who are seeking coverage under this General Permit may continue to discharge in accordance with the individual permit while their NOI and associated documents are being reviewed by DEP.

DEP may notify a discharger that it is covered by this General Permit even if the discharger has not submitted an NOI. (40 CFR § 122.28(b)(2)(vi))

Contents of the NOI

The NOI shall be signed in accordance with the signatory requirements of this General Permit and shall contain the information required in the NOI form.

Where to Submit the NOI

Each NOI is to be submitted to the regional office of DEP that has jurisdiction over the county where the facility is located.

DISCHARGES AUTHORIZED BY THIS GENERAL PERMIT

Except where specifically prohibited under the "Discharges Not Authorized by this General Permit" section, this General Permit authorizes the discharge of stormwater to surface waters of the Commonwealth from regulated small MS4s. In addition, the following non-stormwater discharges are authorized by this General Permit as long as such discharges do not cause or contribute to pollution as defined in Pennsylvania's Clean Streams Law:

1. Discharges or flows from firefighting activities.
2. Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain measurable concentrations of Total Residual Chlorine.
3. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
4. Diverted stream flows and springs.
5. Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
6. Non-contaminated HVAC condensation and water from geothermal systems.
7. Vehicle washing where cleaning agents are not utilized.

Commented [OE3]: What about oil and grease discharges?

The stormwater discharge points (outfalls) identified in the NOI for General Permit coverage are authorized under this General Permit. In the event existing outfalls are identified during the term of General Permit coverage that were not specified in the NOI, the permittee shall submit written notification to DEP within 90 days of identification to supplement the original NOI. In the event new stormwater outfalls are proposed, the permittee shall submit written notification to DEP at least 180 days prior to commencing a discharge, unless such discharges would meet one or more of the criteria specified in the "Discharges Not Authorized By This General Permit" section, in which case an individual permit application must be submitted at least 180 days prior to commencing a discharge.

DISCHARGES NOT AUTHORIZED BY THIS GENERAL PERMIT

The following discharges are **NOT** eligible to be covered by this General Permit. An individual NPDES MS4 permit will be required where one or more of the following conditions exist:

1. The discharge, individually or in combination with other similar discharges, is or has the potential to be a contributor of pollution, as defined in the Pennsylvania Clean Streams Law, which is more appropriately controlled under an individual permit.
2. The discharger is not, or will not be, in compliance with one or more of the conditions of the General Permit.
3. The applicant has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by DEP.
4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.

5. Categorical point source effluent limitations are promulgated by the EPA for those point sources covered by the General Permit.
6. The discharge is not, or will not, result in compliance with an applicable effluent limitation or water quality standard.
7. Other point sources within the MS4 require issuance of an individual permit, and issuance of both an individual and a General Permit for the facility would constitute an undue administrative burden on DEP.
8. Any discharge from the regulated small MS4 is or would be to a surface water classified as a High Quality (HQ) or an Exceptional Value (EV) water under 25 Pa. Code Chapter 93 (relating to Water Quality Standards).
9. The discharge(s) contain toxic or hazardous pollutants, or any other substance which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters.
10. The discharge(s) individually or cumulatively have the potential to cause significant adverse environmental impact or have been determined by DEP to have caused impairment to the receiving waters.
11. The discharge(s) would adversely affect a listed endangered or threatened species or its critical habitat.
12. The MS4 is covered by an individual permit, and coverage under this General Permit would result in less stringent effluent limitations or terms and conditions.
13. DEP determines that the denial of coverage is necessary for any other reason to ensure compliance with the Federal Clean Water Act, the Pennsylvania Clean Streams Law or DEP regulations.
14. The regulated MS4 is a large or medium MS4 as defined in 40 CFR §§ 122.26(b)(4) or (7).
15. The permittee is implementing a local or tribal Qualifying Local Program (QLP) pursuant to 40 CFR 122.44(s).
16. The regulated small MS4 is assigned a wasteload allocation (WLA), individually or in aggregate, in a Total Maximum Daily Load (TMDL) approved by the U.S. Environmental Protection Agency (EPA), where the pollutant(s) of concern are nutrients (i.e., nitrogen and/or phosphorus) and/or sediment (i.e., siltation), and the MS4 is identified in the "MS4 Requirements Table" (see definitions).
17. The regulated small MS4 discharges to waters impaired for nutrients and/or sediment without an EPA-approved TMDL or otherwise discharges to the Chesapeake Bay watershed, is identified in the "MS4 Requirements Table", and has not developed and submitted a Pollutant Reduction Plan (PRP) with the NOI to reduce pollutant loading for the cause(s) of impairment.
18. Discharges that are commingled with sources of non-stormwater unless such non-stormwater discharges are identified in the "Discharges Authorized by this General Permit" section of this General Permit and do not cause or contribute to pollution.
19. Stormwater discharges associated with industrial activity as defined in 40 CFR §§ 122.26(b)(14)(i)-(ix) and (xi).
20. Stormwater discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15).

THE AUTHORITY GRANTED BY THIS GENERAL PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. DEP may require a permittee with discharge(s) authorized by this General Permit to apply for and obtain an individual permit by notifying the permittee in writing that an individual permit application is required. Any interested person may petition DEP to take action under this paragraph.

DEP's notice will include the following:

- A brief statement of the reason(s) for this decision;
 - An individual permit application form;
 - A deadline for the owner or operator to submit the application; and
 - A statement that on the effective date of the individual permit, coverage under this General Permit shall automatically terminate.
2. Any person authorized to discharge by this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual permit.
 3. When an individual permit is issued to a person whose discharge(s) are covered by this General Permit, the applicability of this General Permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied to a person whose discharge(s) are covered by this General Permit, the person may continue discharging if all eligibility requirements under this General Permit are met.
 4. Unless extended by DEP, this General Permit will expire 5 years from the date of its issuance. DEP will publish a notice in the *Pennsylvania Bulletin* of the draft renewed or reissued General Permit or of any amendments to this General Permit. After a comment period, notice of the final renewed, reissued or amended General Permit will be published in the *Pennsylvania Bulletin*. The permittee shall be responsible for complying with the final renewed, reissued or amended General Permit. If the permittee is unable to comply with the renewed, reissued or amended General Permit, the permittee must submit an application for an individual permit within 90 days of publication of the final reissued General Permit.
 5. Following the issuance of coverage under this General Permit, if the permittee encounters a condition affecting eligibility under this General Permit as identified above ("Discharges Not Authorized by this General Permit") and does not provide a remedy to correct that condition, coverage under this General Permit may be revoked in writing by DEP, and DEP may require the permittee to obtain an individual permit. Coverage under this General Permit may be revoked if there is evidence indicating potential or actual adverse impacts to water quality as a result of the permittee's discharge(s).
 6. No condition of this General Permit shall release the permittee from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.

General Permit
(PAG-13) Issued

By

Director
Bureau of Point and Non-Point Source Management

Effective _____

Expires _____

PART A

EFFLUENT LIMITATIONS, REPORTING AND RECORDKEEPING REQUIREMENTS

I. EFFLUENT LIMITATIONS

- A. This General Permit establishes effluent limitations in the form of implementation of a Stormwater Management Program (SWMP), as specified in Part C I of this General Permit, to reduce the discharge of pollutants from the regulated small MS4 to the Maximum Extent Practicable (MEP). The permittee shall comply with Minimum Control Measures (MCMs) and best management practices (BMPs) in Part C I of this General Permit, which constitutes compliance with the standard of reducing pollutants to the MEP.
- B. All discharges from regulated small MS4s must comply with all applicable effluent limitations established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. For all MS4s covered under this General Permit, DEP may, upon written notice, require additional BMPs or other control measures to ensure that the water quality standards of the receiving waters are attained.

II. DEFINITIONS

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce pollutant loading to surface waters of this Commonwealth. The term includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. (25 Pa Code § 92a.2)

Clean Water Act (CWA) means the Federal Water Pollution Control Act, as amended (33 U.S.C.A. §§ 1251 - 1387).

Designated Uses are those uses specified in 25 Pa. Code §§ 93.4(a) and 93.9a – 93.9z for each water body or segment whether or not they are being attained. (25 Pa Code § 93.1)

Dry Weather means a condition in which there are no precipitation, snowmelt, drainage or other events producing a stormwater discharge for more than 48 consecutive hours.

Existing Permittee means any entity that has been designated as a regulated small MS4 and has previously obtained permit coverage under the PAG-13 General Permit or obtained an Individual NPDES MS4 Permit.

Existing Uses are those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards. (25 Pa Code § 93.1)

Illicit Connection means any physical connection to a separate stormwater drainage system that conveys illicit discharges into the system and/or is not authorized or permitted by the local authority.

Illicit Discharge means any discharge (or seepage) to a municipal separate storm sewer that is not composed entirely of stormwater, except non-stormwater discharges as described in the "Discharges Authorized by this General Permit" section of this General Permit. Examples of illicit discharges include dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, animal wastes, or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-stormwater waste into a separate stormwater drainage system. Illicit discharges can be accidental or intentional.

Impaired Waters means surface waters that fail to attain one or more of its designated uses under 25 Pa. Code Chapter 93 and as listed in Categories 4 and 5 of Pennsylvania's Integrated Water Quality Monitoring and Assessment Report.

Integrated Water Quality Monitoring and Assessment Report means the report published every other year by DEP to report on the conditions of Pennsylvania's surface waters and satisfy sections 305(b) and 303(d) of the CWA.

Load Allocation means the portion of a surface water's loading capacity that is assigned or allocated to existing and future nonpoint sources and natural quality. (25 Pa Code § 96.1)

Low Impact Development (LID) means site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.

Maximum Extent Practicable (MEP) is a technology-based discharge standard established in the CWA at § 402(p)(3)(B)(iii) that requires NPDES MS4 permittees to optimize reductions in stormwater pollutants on a location-by-location basis by minimizing pollutant loads in stormwater discharges and maximizing technically achievable and cost effective water quality improvements. MEP as used in this program also includes the requirement under the Pennsylvania Clean Streams Law to prevent pollution from changes in stormwater rate, volume, and temperature associated with alteration of the land. The MEP standard requires the development, implementation, and enforcement of measures including BMPs, control techniques, system design, engineering methods, and other provisions that DEP determines to be appropriate for the control of such pollutants. MEP is an iterative, dynamic, flexible standard that the permittee shall evaluate and update continuously, as necessary, to better tailor or expand the program based on its effectiveness in reducing pollutant discharge load.

MS4 Requirements Table is a document posted to DEP's website, www.depweb.state.pa.us/MS4, which identifies MS4 permittees' responsibilities to develop TMDL Plans (individual permits only) and Pollutant Reduction Plans for submission with the NOI or individual permit application. The MS4 Requirements Table also identifies MS4 permittees' responsibilities to implement the activities listed in Appendices A through E of this General Permit. In general, the MS4 Requirements Table will be updated prior to each renewal of this General Permit based on DEP's latest published Integrated Water Quality Monitoring and Assessment Report.

Municipal Separate Storm Sewer System (MS4) means a separate storm sewer (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) which is all of the following: (i) Owned or operated by a state, city, town, borough, county, district, association or other public body (created by or under State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of this Commonwealth; (ii) designed or used for collecting or conveying stormwater; (iii) not a combined sewer; and (iv) not part of a publicly owned treatment works (POTW). (25 Pa Code § 92a.2)

Municipality means a city, town, borough, county, township, school district, institution, authority or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes or other wastes. (25 Pa Code § 92a.2)

New Permittee means any entity that has been designated as a regulated small MS4 and has not previously obtained permit coverage under the PAG-13 General Permit or obtained an Individual NPDES MS4 Permit.

NOI means the Notice of Intent for coverage under the NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems.

Non-Municipal Permittee means a regulated small MS4 that is not a municipality, e.g., military bases, large hospital or prison complexes, and highways and other thoroughfares.

Non-Structural BMPs means actions that involve management and source controls such as: (1) policies and ordinances that provide requirements and standards to direct growth to identified areas, promote redevelopment, protect areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (2) education programs for developers and the public about minimizing water quality impacts; and (3) other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, street sweeping, and source control measures such as good housekeeping, maintenance, and spill prevention.

Ordinance means a law enacted by the government of a municipality.

Outfall means a point source at the point where a municipal separate storm sewer discharges to waters of the Commonwealth and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the Commonwealth and are used to convey waters of the Commonwealth.

Owner or Operator means the owner or operator of any "facility" or "activity" subject to regulation under the NPDES program. (40 CFR § 122.2)

Permittee means the owner or operator of a regulated small MS4 authorized to discharge under the terms of this General Permit.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. (40 CFR § 122.2)

Pollutant means any contaminant or other alteration of the physical, chemical, biological, or radiological integrity of surface water which causes or has the potential to cause pollution as defined in section 1 of the Pennsylvania Clean Streams Law, 35 P.S. § 691.1. (25 Pa Code § 92a.2)

Regulated Small MS4 means any small MS4 that is covered by the federal Phase II stormwater program, either through automatic nationwide designation under 40 CFR § 122.32(a)(1) (via the Urbanized Area criteria) or by designation on a case-by-case basis by DEP pursuant to 40 CFR § 122.32(a)(2). "Regulated small MS4s" are a subset of "small MS4s" as defined in this section.

Riparian Forest Buffer (Riparian Buffer) means an area of permanent vegetation consisting of native trees, shrubs, forbs and grasses along surface water that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and buffer land use activities from surface waters.

Small Municipal Separate Storm Sewer System (Small MS4) means an MS4, as defined in this section, that is not a large or medium MS4 pursuant to 40 CFR §§ 122.26(b)(4) and 122.26(b)(7) and is not required to obtain an NPDES permit for the reasons identified in 40 CFR § 122.26(a)(1)(v). The term small MS4 includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. (40 CFR § 122.26(b)(16))

Standard Operating Procedure (SOP) means a policy or set of procedures that are enacted by a non-municipal permittee to implement a stormwater management program.

Stormwater means runoff from precipitation, snow melt runoff and surface runoff and drainage. "Stormwater" has the same meaning as "storm water." (25 Pa Code § 92a.2)

Structural BMPs means stormwater storage and management practices including, but not limited to, wet ponds and extended detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips;

and infiltration practices such as infiltration basins and infiltration trenches.

Surface Waters means perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process. (25 Pa Code § 92a.2)

Total Maximum Daily Load (TMDL) means the sum of individual waste load allocations for point sources, load allocations for nonpoint sources and natural quality and a margin of safety expressed in terms of mass per time, toxicity or other appropriate measures. (25 Pa Code § 96.1)

Urbanized Area (UA) means land area comprising one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the United States Bureau of the Census and as determined by the latest available decennial census. The UA outlines the extent of automatically regulated areas.

Wasteload Allocation (WLA) means the portion of a surface water's loading capacity that is allocated to existing and future point source discharges. (25 Pa Code § 96.1)

Water Quality Criteria means numeric concentrations, levels or surface water conditions that need to be maintained or attained to protect existing and designated uses. (25 Pa Code § 93.1)

Water Quality Standards means the combination of water uses to be protected and the water quality criteria necessary to protect those uses.

Waters of the Commonwealth means any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth. (35 P.S. § 691.1)

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

- A. Where samples are collected and analyzed or measurements are taken under this permit, the permittee shall comply with 40 CFR § 122.41(j)(1) (representative sampling), 40 CFR § 122.41(j)(3) (recording of results), 40 CFR § 122.41(j)(4) (test procedures) and 40 CFR §§ 122.41(j)(4), 122.41(e), and 122.41(i)(3) (quality assurance and control).
- B. Records Retention - All records of monitoring activities and results, copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 5 years from the date of the sample measurement, report or application. The 5-year period shall be extended as requested by DEP or the EPA Regional Administrator.
- C. Proper Operation and Maintenance - The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including stormwater BMPs, which are installed or used by the permittee to achieve compliance with the conditions of this permit. (40 CFR § 122.41(e))
- D. Reporting Requirements
 1. The permittee shall submit a complete Annual MS4 Status Report using DEP's annual report template (3800-FM-BPNPSM0491) to the DEP regional office that issued General Permit coverage approval by September 30 of each year.
 - a. The first annual report submitted to DEP under this General Permit shall have a reporting period starting from the end of the latest annual or progress report period (under the previous General Permit) to June 30 following approval of coverage under this General Permit.

- b. Following the first annual report, the reporting period shall thereafter be July 1 - June 30.
2. In addition to the Annual MS4 Status Report submitted to the DEP regional office, one copy of the Annual MS4 Status Report shall be submitted to DEP's Central Office by September 30. A fee in the amount of \$200.00, which is an installment of the NOI fee, shall be submitted with the copy of the Annual Report to DEP's Central Office, made payable to "Commonwealth of Pennsylvania." The fee and Annual Report shall be submitted to the following address:

PA Department of Environmental Protection
Bureau of Point and Non-Point Source Management
Rachel Carson State Office Building
400 Market Street, PO Box 8466
Harrisburg, PA 17105-8466

3. The permittee shall submit the Annual MS4 Status Report and fee to DEP electronically when required by DEP.
4. Unanticipated Non-Compliance or Potential Pollution Reporting
- a. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b).
- (i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.
- (ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.
- (iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
- b. The permittee shall report any non-compliance which may endanger health or the environment in accordance with the requirements of 40 CFR § 122.41(l)(6). These requirements include the following obligations:
- (i) 24 Hour Reporting - The permittee shall orally report any non-compliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Any upset which exceeds any effluent limitation in the permit; and
- (3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement. (40 CFR § 122.44(g))

- (ii) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any non-compliance which may endanger health or the environment. The written submission shall contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.
- (iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP, the permittee shall submit a written report in accordance with this paragraph. (40 CFR § 122.41(l)(6)(iii))

5. Other Non-Compliance

The permittee shall report all instances of non-compliance not reported under paragraph C.4 of this section or specific requirements of compliance schedules, at the time Annual Reports are submitted, on the Non-Compliance Reporting Form (3800-FM-BPNPSM0440). The reports shall contain the information listed in paragraph C.4.b.(ii) of this section. (40 CFR § 122.41(l)(7))

6. Signatory Requirements

- a. Completed Annual Reports and all other reports, NOIs, and information submitted to DEP shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92a.22:
 - For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
 - For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.
- b. If signed by a person other than the above, the person must be a duly authorized representative of the permittee. A person is a duly authorized representative only if:
 - The authorization is made in writing by a person described in paragraph a., above, and submitted to DEP.
 - The authorization specifies either an individual or a position having responsibility for the operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- c. Changes in Signatory Authorization - If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraphs 6.a and 6.b, above, must be submitted to DEP prior to or together with any reports, information or NOI to be signed by an authorized representative.

PART B

STANDARD CONDITIONS

I. MANAGEMENT REQUIREMENTS

A. Compliance

1. The permittee shall comply with all conditions of this permit. If a compliance schedule has been established in this permit, the permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit. (40 CFR 122.41(a)(1))
2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline unless otherwise specified in this permit. (25 Pa. Code § 92a.51(c), 40 CFR 122.47(a)(4))

B. Permit Modification, Termination, or Revocation and Reissuance

1. Permit coverage may be modified, terminated, or revoked and reissued during its term in accordance with Title 25 Pa. Code § 92a.72 and 40 CFR § 122.41(f).
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any General Permit condition. (40 CFR § 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this General Permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (40 CFR § 122.41(a)(1))

C. Duty to Comply - The permittee shall comply with all terms and conditions of this General Permit. Any permit non-compliance constitutes a violation of the Pennsylvania Clean Streams Law and the federal Clean Water Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application. (40 CFR § 122.41(a))

D. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under this General Permit, or to determine compliance with this General Permit. (40 CFR § 122.41(h))
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this General Permit. (40 CFR § 122.41(h))
3. Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in an NOI, or submitted incorrect information in an NOI or in any report to DEP, it shall promptly submit the correct and complete facts or information. (40 CFR § 122.41(l)(8))
4. The permittee shall give advance notice to DEP of any planned physical alterations (e.g., storm sewer replacements) or additions (e.g., new discharges) to the regulated small MS4 which could, in any way, affect the quality and/or quantity of stormwater discharged from the regulated small MS4. (40 CFR § 122.41(l))

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR § 122.41(d))

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

1. Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR § 122.41(a)(2).
2. Any person or municipality, who violates any provision of this General Permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

B. Falsifying Information

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or non-compliance)

Shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 Pa.C.S.A. § 4904 and 40 CFR §§ 122.41(j)(5) and (k)(2).

C. Liability

1. Nothing in this General Permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to Section 309 of the CWA or Sections 602, 603 or 605 of the Clean Streams Law.
2. Nothing in this General Permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the CWA and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit. (40 CFR § 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92a and 40 CFR § 122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this General Permit; (40 CFR § 122.41(i)(1))

2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit; (40 CFR § 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this General Permit; and (40 CFR § 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (40 CFR § 122.41(i)(4))

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph B.2 of this section, permit coverage may be transferred by the permittee to a new owner or operator only if this General Permit coverage has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (40 CFR § 122.61(a))
2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (40 CFR § 122.61(b)(1))
 - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; (40 CFR § 122.61(b)(2))
 - c. DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue coverage under this General Permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section; and (40 CFR § 122.61(b)(3))
 - d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any non-compliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code 92a.71)
3. In the event DEP does not approve transfer of coverage under this General Permit, the new owner or controller must submit a new NOI.

C. Property Rights - The approval of coverage under this General Permit does not convey any property rights of any sort, or any exclusive privilege. (40 CFR § 122.41(g))

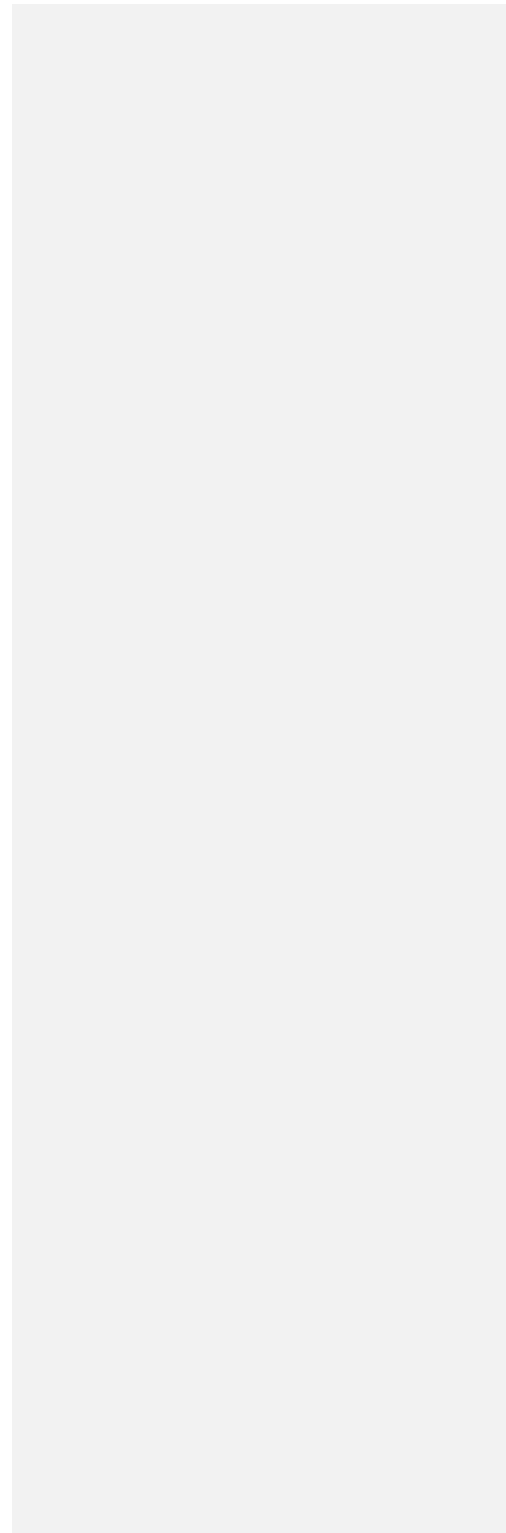
D. Duty to Reapply - The submission of the Annual MS4 Status Reports (3800-FM-BPNPSM0491) in accordance with Part A III.D of this General Permit constitutes the submission of an NOI for continued coverage under the General Permit. In addition, the permittee must submit an NOI (3800-PM-BPNPSM-0100b) to continue coverage under this General Permit when notified by DEP in writing.

E. Other Laws - The approval of coverage under this General Permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

F. Severability – The provisions of this General Permit are severable. If any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected.

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PART C

SPECIAL CONDITIONS

I. STORMWATER MANAGEMENT PROGRAM (SWMP)

A. The permittee must develop, implement, and enforce an SWMP designed to reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act, as described in paragraph B, below. There are six Minimum Control Measures (MCMs) that comprise the SWMP. Specific Best Management Practices (BMPs) are identified under each MCM. The permittee shall demonstrate compliance with the SWMP through the submission of Annual MS4 Status Reports due by September 30 each year.

B. Minimum Control Measures (MCMs)

1. **MCM #1:** Public Education and Outreach on Stormwater Impacts. (40 CFR § 122.34(b)(1))

The permittee shall implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

a. **BMP #1:** Develop, implement and maintain a written Public Education and Outreach Program.

For new permittees a Public Education and Outreach Program (PEOP) shall be developed and implemented during the first year of coverage under this General Permit and shall be re-evaluated each year thereafter and revised as needed. For existing permittees, the existing PEOP shall be reviewed annually and revised as necessary. The permittee's PEOP shall be designed to achieve measurable improvements in the target audience's understanding of the causes and impacts of stormwater pollution and the steps they can take to prevent it.

b. **BMP #2:** Develop and maintain lists of target audience groups that are present within the areas served by the permittee's regulated small MS4. In most communities, the target audiences shall include residents, businesses (including commercial, industrial and retailers), developers, schools, and municipal employees.

For new permittees, the lists shall be developed within the first year of coverage under the permit and reviewed and updated as necessary every year thereafter. For existing permittees, the lists shall continue to be reviewed and updated annually.

c. **BMP #3:** The permittee shall annually publish at least one issue of a newsletter, a pamphlet, a flyer, or a website that includes general stormwater educational information, a general description of the permittee's SWMP, and/or information about the permittee's stormwater management activities. The list of publications and the content of the publications must be reviewed and updated at least once during each year of permit coverage. Publications should include a list of references (or links) to refer the reader to additional information (e.g., PADEP and EPA stormwater websites, and any other sources that will be helpful to readers). The permittee must implement at least one of the following alternatives:

- (1) Publish and distribute in printed form a newsletter, a pamphlet or a flyer containing information consistent with this BMP.
- (2) Publish educational and informational items including links to DEP's and EPA's stormwater websites on the permittee's website.

For new permittees, stormwater educational and informational items shall be produced and published in print and/or on the Internet within the first year of permit coverage. In subsequent years (and for existing permittees), the list of items published and the content in these items shall be

reviewed, updated, and maintained annually. The permittee's publications shall contain stormwater educational information that addresses one or more of the 6 MCMs.

- d. **BMP #4:** Distribute stormwater educational materials and/or information to the target audiences using a variety of distribution methods, including but not limited to: displays, posters, signs, pamphlets, booklets, brochures, radio, local cable TV, newspaper articles, other advertisements (e.g., at bus and train stops/stations), bill stuffers, posters, presentations, conferences, meetings, fact sheets, giveaways, and storm drain stenciling.

All permittees shall select and utilize at least two distribution methods annually. These are in addition to BMP #3, above.

2. **MCM #2:** Public Involvement / Participation. (40 CFR § 122.34(b)(2))

The permittee shall comply with applicable state and local public notice requirements when implementing a public involvement / participation program. Annual MS4 Status Reports developed in accordance with Part A III.D of this permit do not require public involvement and participation. All other plans and reports submitted to DEP under this permit (including PRPs) require a demonstration that public involvement and participation under MCM #2 were completed.

- a. **BMP #1:** Develop, implement and maintain a written Public Involvement and Participation Program (PIPP) which describes various types of possible participation activities and describes methods of encouraging the public's involvement and of soliciting the public's input.

The PIPP for new permittees shall be developed and implemented during the first year of coverage under this General Permit. All permittees shall re-evaluate the PIPP annually and revise as needed. The PIPP shall include, but not be limited to at a minimum:

- (1) Opportunities for the public to participate in the decision-making processes associated with the development, implementation, and update of programs and activities related to this General Permit.
 - (2) Methods of routine communication to groups such as watershed associations, environmental advisory committees, and other environmental organizations that operate within proximity to the permittee's regulated small MS4s or their receiving waters.
 - (3) Making Annual MS4 Status Reports available to the public on the permittee's website, at the permittee's office(s), or by mail upon request.
- b. **BMP #2:** Prior to adoption of any ordinance (for municipalities) or Standard Operating Procedure (SOP) (for non-municipal entities) required by this General Permit, and, where applicable, prior to the submission of any plan or report required by Part C of this General Permit to DEP (including PRPs), provide adequate public notice and opportunities for public review, input, and feedback.

The permittee shall advertise any proposed MS4 Stormwater Management Ordinance, SOP, report and/or plan required by Part C; provide opportunities for public comment; evaluate any public input and feedback; and document the comments received and the permittee's response.

- c. **BMP #3:** Regularly solicit public involvement and participation from the target audience groups using available distribution and outreach methods. This should include an effort to solicit public reporting of suspected illicit discharges. Assist the public in their efforts to help implement the SWMP.

The permittee shall conduct at least one public meeting per year to solicit public involvement and participation from target audience groups on the implementation of the SWMP. The public shall be given notice in advance of each meeting. During the meetings, the permittee should present a summary of progress, activities, and accomplishments with implementation of the SWMP, and the permittee should provide opportunities for the public to provide feedback and input. The presentation

can be made at specific MS4 meetings or during any other public meeting. Under this MCM, the permittee should document and report instances of cooperation and participation in MS4 activities; presentations the permittee made to local watershed organizations and conservation organizations; and similar instances of participation or coordination with organizations in the community. The permittee should also document and report activities in which members of the public assisted or participated in the meetings and in the implementation of the SWMP, including education activities or organized implementation efforts such as cleanups, monitoring, storm drain stenciling, or others.

3. **MCM #3:** Illicit Discharge Detection and Elimination (IDD&E). (40 CFR § 122.34(b)(3))

The permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges into the permittee's small MS4.

- a. BMP #1: The permittee shall develop and implement a written program for the detection, elimination, and prevention of illicit discharges into the regulated MS4. The program shall include dry weather field screening of outfalls for non-stormwater flows, and sampling of dry weather discharges for selected chemical and biological parameters. Test results shall be used as indicators of possible discharge sources. The program shall include the following:

- (1) Procedures for identifying priority areas. These are areas with a higher likelihood of illicit discharges, illicit connections or illegal dumping. Priority areas may include areas with older infrastructure, a concentration of high-risk activities, or past history of water pollution problems.
- (2) Procedures for screening outfalls in priority areas during varying seasonal and meteorological conditions.
- (3) Procedures for identifying the source of an illicit discharge when a contaminated flow is detected at a regulated small MS4 outfall.
- (4) Procedures for eliminating an illicit discharge.
- (5) Procedures for assessing the potential for illicit discharges caused by the interaction of sewage disposal systems (e.g., on-lot septic systems, sanitary piping) with storm drain systems.
- (6) Mechanisms for gaining access to private property to inspect outfalls (e.g., land easements, consent agreements, search warrants) and for investigating illicit connections and discharges.
- (7) Procedures for program documentation, evaluation and assessment.
- (8) Procedures for addressing information or complaints received from the public.

For new permittees, the IDD&E program shall be developed during the first year of coverage under this General Permit and shall be implemented and evaluated each year thereafter. For existing permittees, the IDD&E program shall continue to be implemented and evaluated annually. Records shall be kept of all outfall inspections, flows observed, results of field screening and testing, and other follow-up investigation and corrective action work performed under this program.

- b. BMP #2: The permittee shall develop and maintain a map of the regulated small MS4. The map must also show the location of all outfalls and the locations and names of all surface waters of the Commonwealth (e.g., creek, stream, pond, lake, basin, swale, channel) that receive discharges from those outfalls.

For new permittees, develop the map(s) of the regulated small MS4 and the information on all outfalls from the regulated small MS4 by the end of the fourth (4th) year of permit coverage. For existing permittees, the existing map(s) of the regulated small MS4 shall be updated and maintained as necessary during each year of coverage under the permit.

- c. BMP #3: In conjunction with the map(s) created under BMP #2 (either on the same map or on a different map), new permittees shall show, and existing permittees shall update, the entire storm sewer collection system, including roads, inlets, piping, swales, catch basins, channels, basins, and any other features of the permittee's storm sewer system including municipal boundaries and/or watershed boundaries, land use categories, and the area draining to the MS4.

For new permittees, the map(s) shall be developed by the end of the fourth (4th) year of coverage under the permit and shall be updated and maintained as necessary each year of permit coverage thereafter. Existing permittees shall update and maintain the map(s) as necessary during each year of permit coverage.

- d. BMP #4: The permittee shall conduct outfall field screening, identify the source of any illicit discharges, and remove or correct any illicit discharges using procedures developed under BMP #1. The permittee must also respond to complaints received from the public or other agencies on suspected illicit discharges.

- (1) For new permittees, all of the identified regulated small MS4 outfalls shall be screened during dry weather at least twice during the first 5 years of permit coverage; thereafter, dry weather screening shall continue to be conducted once every five calendar years. For existing permittees, each of the identified regulated small MS4 outfalls shall be screened during dry weather at least once every five calendar years. For areas where past problems have been reported or known sources of dry weather flows occur on a continual basis, outfalls shall be screened annually.

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Commented [OE5]: Does this sentence apply to ALL permittees? Please clarify.

- (2) For each outfall, if the screening reveals dry weather flow, the discharge from the outfall and the area around the outfall shall be inspected for the following: floating solids, scum, sheen, substances that result in observed deposits in the receiving waters, and oil and grease. In addition, the inspection shall compare the color, odor and turbidity of the receiving waters upstream and downstream of the discharge.

If either 1) the discharge contains a color or an odor, 2) there is an observed change in the receiving waters as a result of the discharge, or 3) floating solids, scum, sheen or substances that result in deposits are observed in the discharge, the permittee shall collect sample(s) of the discharge(s) for field and/or laboratory analysis of one or more common IDD&E parameters in order to determine if the dry weather flow is illicit. Common parameters include, but are not limited to: pH, Conductivity, Fecal Coliform bacteria, Heavy Metals, Chemical Oxygen Demand (COD), 5-day Biochemical Oxygen Demand (BOD5), Total Suspended Solids (TSS), Total Dissolved Solids (TDS), Oil and Grease, Total Residual Chlorine (TRC) and Ammonia-Nitrogen. Sample results shall be provided to DEP upon request.

Commented [OE6]: Perhaps any samples that result above the action levels should be included in the annual report so that DEP can ensure that follow up is conducted in subsequent reports.

The following concentrations of these parameters may be used as "action levels," to assist the permittee in determining whether further investigation of illicit discharges may be warranted. However, these action levels may not be used to preclude further investigation of non-stormwater discharges that are not authorized under this General Permit.

- pH – less than 6 S.U. or greater than 9 S.U.;
- Conductivity – greater than 750 $\mu\text{mhos/cm}$ ($\mu\text{S/cm}$);
- Fecal Coliform – greater than 2,000/100 mL;
- Heavy Metals – ten (10) times the applicable water quality standard in 25 Pa. Code Chapter 93;
- COD - 100 mg/L;
- BOD5 – 50 mg/L;
- TSS – 100 mg/L;
- TDS – 500 mg/L;
- Oil and Grease – 30 mg/L;
- TRC – 0.5 mg/L;

- Ammonia-Nitrogen – 1.0 mg/L.

- (3) Outfall inspections shall be prioritized according to the perceived chance of illicit discharges within the outfall's contributing drainage area. Observations of each outfall shall be recorded each time an outfall is screened, regardless of the presence of dry weather flow. Proper quality assurance and quality control procedures shall be followed when collecting, transporting or analyzing water samples. All outfall inspection information shall be recorded on the Outfall Reconnaissance Inventory/Sample Collection form (or equivalent), attached to this permit. Adequate written documentation shall be maintained to justify a determination that an outfall flow is not illicit. If an outfall flow is illicit, the actions taken to identify and eliminate the illicit flow also shall be documented.
- (4) The results of outfall inspections and actions taken to remove or correct illicit discharges shall be summarized in Annual MS4 Status Reports.
- e. BMP #5: Enact a stormwater management ordinance (municipal permittees) or SOP (non-municipal permittees) to implement and enforce a stormwater management program that includes prohibition of non-stormwater discharges to the regulated small MS4.

Within the first year of coverage under the permit, new municipal permittees shall enact and implement an ordinance from an Act 167 Plan approved by DEP in 2005 or later, or an ordinance that satisfies all applicable requirements in a completed and signed MS4 Stormwater Management Ordinance Checklist. New non-municipal permittees shall develop and adopt an SOP that prohibits non-stormwater discharges.

Commented [OE7]: Drafting and adopting an ordinance can take longer than one year at times. 2 years would be acceptable for this BMP.

Existing permittees must continue to maintain, update, implement, and enforce a Stormwater Management Ordinance or SOP that satisfies all applicable requirements.

New permittees shall submit a letter signed by a municipal official, municipal engineer, or the municipal solicitor as an attachment to their first Annual MS4 Status Report certifying the enactment of an ordinance that meets all applicable requirements of this permit. Existing permittees shall update their existing ordinance, if necessary, and submit documentation of completion to DEP.

Notice must be provided to DEP within 60 days following the approval of any waiver or variance by the permittee that allows an exception to non-stormwater discharge provisions of the ordinance.

- f. BMP #6: Provide educational outreach to public employees, business owners and employees, property owners, the general public and elected officials (i.e., target audiences) about the program to detect and eliminate illicit discharges. Educational outreach should include: distribution of brochures and guidance for target audiences including schools; programs to encourage and facilitate public reporting of illicit discharges; organizing volunteers to locate and visually inspect outfalls and to stencil storm drains; and implement and encourage recycling programs for common wastes such as motor oil, antifreeze and pesticides.

During each year of permit coverage, appropriate educational information concerning illicit discharges shall be distributed to the target audiences using methods outlined under MCM #1. If not already established, the permittee shall establish and promote a stormwater pollution reporting mechanism (e.g., a complaint line with message recording) by the end of the first year of permit coverage for the public to use to notify the permittee of illicit discharges, illegal dumping or outfall pollution. Respond to all complaints in a timely and appropriate manner. Document all responses, include the action taken, the time required to take the action, and whether the complaint was resolved successfully.

4. **MCM #4:** Construction Site Stormwater Runoff Control. (40 CFR § 122.34(b)(4))

The permittee may not issue a building or other permit or final approval to those proposing or conducting earth disturbance activities requiring a DEP permit until DEP or a delegated county conservation district

has issued NPDES Permit coverage under 25 Pa. Code Chapter 102 to the party that is proposing the earth disturbance.

The permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the permittee's small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre or disturbances less than one acre if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with §122.26(b)(15)(i), the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.

- a. BMP #1: The permittee's program shall provide for construction stormwater permitting, construction inspection, and enforcement of installation and maintenance of the necessary E&S control measures. The permittee shall describe clearly how its program will be coordinated with DEP's NPDES Construction Stormwater Permitting program.

For new permittees, the written program for this MCM shall be developed during the first year of permit coverage; nevertheless, the permittee is responsible for implementation of this MCM during entire term of this permit, including the time the permittee is developing its program.

For all permittees, the program shall be reviewed and updated during each year of permit coverage. The purpose of the written program is to establish clear roles and responsibilities for the implementation of the MCM #4 requirements. An agreement between the permittee, the CCD, and any other resources to be used by the permittee that clearly defines roles for each entity is recommended. If an agreement is made, the permittee shall retain a written copy, consistent with the record retention requirements of this General Permit.

- b. BMP #2: The permittee shall enact, implement, and enforce an ordinance to require the implementation of erosion and sediment control BMPs, as well as sanctions to ensure compliance.

Within the first year of coverage under the permit, new permittees shall enact and implement an ordinance that meets all applicable requirements of this permit.

Permittees shall submit a letter signed by a municipal official, municipal engineer or the municipal solicitor as an attachment to their first Annual MS4 Status Report certifying the enactment and implementation of a stormwater management ordinance that meets all requirements of this permit.

- c. BMP #3: Develop and implement requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality. While sediment is the most common pollutant of concern for MCM #4, there are other types of pollutants that also can be a concern and the intent of this BMP is to address these other types of pollutants, such as, but not limited to, discarded building materials, washout from concrete trucks, chemicals, litter, and sanitary waste.

New permittees shall establish requirements to address this BMP by the end of the first year of permit coverage. Existing permittees shall continue to implement existing requirements and update as necessary. This could be implemented by written municipal ordinance/code provisions, by standard notes on the site plans, by any other written format that accomplishes the objectives of this BMP, or by any combination of these measures. The goal of this BMP shall be communicated to construction site operators during pre-construction meetings. This BMP shall be implemented during each year of the MS4 permit. Permittees must prepare and maintain records of site inspections, including dates and results, and must maintain these records in accordance with the record retention requirements in this General Permit.

- d. BMP #4: Develop and implement procedures for the receipt and consideration of public inquiries, concerns, and information submitted by the public (to the permittee) regarding local construction

activities. The permittee shall demonstrate acknowledgement and consideration of the information submitted, whether submitted verbally or in writing.

Permittees shall establish and implement a tracking system to keep a record of any submitted public information as well as the permittee's response, actions, and results. This BMP shall be implemented during each year of coverage under this General Permit and information should be submitted with ~~the~~ each periodic report.

5. **MCM #5:** Post-Construction Stormwater Management (PCSM) in New Development and Redevelopment. (40 CFR § 122.34(b)(5))

The permittee must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the permittee's MS4. The permittee's program must ensure that controls are in place that would prevent or minimize water quality impacts.

- a. **BMP #1:** Develop a written procedure that describes how the permittee shall address all required components of this MCM. Guidance can be found in the Pennsylvania Stormwater Best Management Practices Manual. This plan shall include the following components: 1) minimum requirements for use of structural and/or non-structural BMPs in plans for development and redevelopment; 2) criteria for selecting and standards for sizing stormwater BMPs; and 3) implementation of an inspection program to ensure that BMPs are properly installed.

The written procedure shall be developed by the end of the first year of permit coverage and be reviewed and updated every permit year thereafter, as needed. The intent of BMP #1 is for the permittee to describe how the listed tasks will be accomplished.

- b. **BMP #2:** Require the implementation of a combination of structural and/or non-structural BMPs that are appropriate to the local community, that minimize water quality impacts, and that are designed to maintain pre-development runoff conditions. This requirement can be met by ensuring that the selected BMPs comply with the municipal Stormwater Management Ordinance that meets the requirements of this General Permit.

All qualifying development or redevelopment projects as defined in the first paragraph under MCM #5 shall be reviewed to ensure that their post-construction stormwater management plans and selected BMPs conform to the applicable requirements. A tracking system (e.g., database, spreadsheet or written list) shall be maintained to record qualifying projects and their associated BMPs. Permittees shall note if there are no qualifying projects in a calendar year.

- c. **BMP #3:** Ensure that controls are installed that shall prevent or minimize water quality impacts.

All qualifying development or redevelopment projects, as defined in the first paragraph under MCM #5, shall be inspected during the construction phase to ensure proper installation of the approved structural PCSM BMPs. A tracking system (e.g., database, spreadsheet, or written list) shall be implemented to track the inspections conducted and to track the results of the inspections (e.g., BMPs were, or were not, installed properly). See BMP #5 for requirements related to post-construction inspection and tracking of PCSM BMPs to ensure that the operation and maintenance plan is being implemented.

- d. **BMP #4:** The permittee shall enact, implement, and enforce an ordinance or other regulatory mechanism to address post-construction stormwater runoff from new development and redevelopment projects, as well as sanctions and penalties associated with non-compliance, to the extent allowable under State or local law.

Commented [OE8]: Is there a timeframe for update of the BMP Manual? If it will be prior to 2018, this sentence may require additional language and/or revision.

If the BMP Manual is not updated, there should be additional language in this section for BMPs located in the CB watershed to comply with CB efficiencies.

Within the first year of coverage under this permit, new permittees shall enact and implement a stormwater management ordinance that meets the requirements of this General Permit.

All permittees shall have an ordinance which meets the requirements of the DEP MS4 stormwater ordinance checklist. No permittee may issue a waiver/variance of any regulated stormwater activity involving earth disturbance equal to or greater than one acre unless that action is approved in advance by DEP or the County Conservation District.

- e. **BMP #5:** Develop and implement measures to encourage and expand the use of Low Impact Development (LID) in new and redevelopment. Measures also should be included to encourage retrofitting LID into existing development. DEP's Pennsylvania Stormwater Best Management Practices Manual provides guidance on implementing LID practices. Enact ordinances consistent with LID practices and repeal sections of ordinances that conflict with LID practices. Progress with enacting and updating ordinances to enable the use of LID practices shall be summarized in Annual MS4 Status Reports.
- f. **BMP #6:** Ensure adequate operation and maintenance of all post-construction stormwater management BMPs installed at all development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the permittee's MS4.

Within the first year of coverage under this permit, new permittees shall develop and implement a written inspection program to ensure that stormwater BMPs are properly operated and maintained. The program shall include sanctions and penalties for non-compliance. All permittees shall review and update the inspection program annually and shall continue to implement this BMP.

An inventory of PCSM BMPs shall be developed by permittees and shall be continually updated during the term of coverage under the permit as development projects are reviewed, approved, and constructed. This inventory shall include all PCSM BMPs installed since the start of NPDES permit coverage that discharge directly or indirectly to the regulated small MS4. The inventory also should include PCSM BMPs discharging to the regulated small MS4 system that may cause or contribute to violation of water quality standard. The inventory shall include:

- All PCSM BMPs that were installed to meet requirements in NPDES Permits for Stormwater Discharges Associated with Construction Activities approved since the start of NPDES permit coverage.
- The exact location of the PCSM BMP (e.g., latitude and longitude, with street address).
- Information (e.g., name, address, phone number(s)) for BMP owner and entity responsible for BMP Operation and Maintenance (O&M), if different from BMP owner.
- The type of BMP and the year it was installed.
- Maintenance required for the BMP type according to the Pennsylvania Stormwater BMP Manual or other manuals and resources.
- The actual inspection/maintenance activities conducted for each BMP.

6. **MCM #6:** Pollution Prevention / Good Housekeeping. (40 CFR § 122.34(b)(6))

The permittee must develop and implement an O&M program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from operations, facilities and activities under the control of the permittee (collectively, "operations"). Using training materials that are available from EPA, DEP, Tribe, or other organizations, the program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

- a. **BMP #1:** Identify and document all operations that are owned or operated by the permittee and have the potential for generating stormwater runoff to the regulated small MS4. This includes activities conducted by contractors for the permittee. Activities may include the following: street sweeping; snow removal/deicing; inlet/outfall cleaning; lawn/grounds care; general storm sewer system

inspections and maintenance/repairs; park and open space maintenance; municipal building maintenance; new construction and land disturbances; right-of-way maintenance; vehicle operation, fueling, washing and maintenance; and material transfer operations, including leaf/yard debris pickup and disposal procedures. Facilities can include streets; roads; highways; parking lots and other large paved surfaces; maintenance and storage yards; waste transfer stations; parks; fleet or maintenance shops; wastewater treatment plants; stormwater conveyances (open and closed pipe); riparian buffers; and stormwater storage or treatment units (e.g., basins, infiltration/filtering structures, constructed wetlands, etc.).

By the end of the first year of permit coverage, new permittees shall identify and document all types of operations and land uses that may contribute to stormwater runoff within areas of operations that discharge to the regulated small MS4. Existing permittees should have completed this list during the previous permit term. For all permittees, this information shall be reviewed and updated each year of permit coverage, as needed. Part of this effort shall include maintaining a basic inventory of various operations.

- b. BMP #2: Develop, implement and maintain a written O&M program for all operations that could contribute to the discharge of pollutants from the regulated small MS4s, as identified under BMP #1. This program (or programs) shall address stormwater collection or conveyance systems within the regulated MS4, but could include other areas (as identified under BMP #1). The O&M program(s) should stress pollution prevention and good housekeeping measures, contain site-specific information, and address the following areas:

- Management practices, policies, procedures, etc. shall be developed and implemented to reduce or prevent the discharge of pollutants to the regulated small MS4s. The permittee shall consider eliminating maintenance area discharges from floor drains and other drains if they have the potential to discharge to storm sewers.
- Maintenance activities, maintenance schedules, and inspection procedures to reduce the potential for pollutants to reach the regulated small MS4s.
- Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt / sand (anti-skid) storage locations and snow disposal areas.
- Procedures for the proper disposal of waste removed from the regulated small MS4s and the operations, including dredge spoil, accumulated sediments, trash, household hazardous waste, used motor oil, and other debris.

Commented [OE9]: This section requires more specificity.

During the first year of permit coverage, new permittees shall develop and implement a written O&M program that complies with BMPs #1 and #2. Existing permittees shall continue to implement their existing programs. All permittees shall review the O&M program annually, edit as necessary, and continue to implement during every year of permit coverage.

- c. BMP #3: Develop and implement an employee training program that addresses appropriate topics to further the goal of preventing or reducing the discharge of pollutants from operations to the regulated small MS4. The program may be developed and implemented using guidance and training materials that are available from federal, state or local agencies, or other organizations. All relevant employees and contractors shall receive training (i.e., public works staff, building, zoning, and code enforcement staff, engineering staff, police and fire responders, etc.). Training topics shall include operation, inspection, maintenance and repair activities associated with any of the operations identified under BMP #1. Training must cover all relevant parts of the permittee's overall stormwater management program that could affect operations, such as illicit discharge detection and elimination, construction sites, and ordinance requirements.

During the first year of permit coverage, new permittees shall develop and implement a training program that identifies the training topics that will be covered, and what training methods and materials will be used. Existing permittees shall continue to operate under their existing programs.

All permittees shall review the training program annually, edit it as necessary, and continue to implement it during every year of permit coverage.

Employee training shall occur at least annually and shall be fully documented in writing and reported in Annual MS4 Status Reports. Documentation shall include the date(s) of the training, the names of attendees, the topics covered, and the training presenter(s).

II. POLLUTANT CONTROL MEASURES AND POLLUTANT REDUCTION PLANS

DEP's MS4 Requirements Table, available at www.depweb.state.pa.us/MS4, identifies the responsibilities for MS4s during the term of this General Permit for implementing Pollutant Control Measures (PCMs) under Appendices A, B, and C and for developing and implementing Pollutant Reduction Plans (PRPs) under Appendices D and E of this General Permit.

- A. PCMs are activities undertaken by the MS4 permittee to identify and control pollutant loading to impaired waters from MS4s, regardless of whether a TMDL has been approved. PCMs are BMPs and other strategies that are in addition to the permittee's SWMP identified in Part C I of this General Permit. PCMs must be implemented where the permittee 1) has at least one stormwater outfall that discharges to impaired waters, and 2) the "cause of impairment" is one or more of the causes listed in paragraphs A.1 through A.3, below.
 1. Where receiving waters are impaired for Iron, Manganese, Aluminum or other metals associated with Acid Mine Drainage (AMD), the permittee shall implement the PCMs identified in **Appendix A** of this General Permit.
 2. Where receiving waters are impaired for Bacteria or Pathogens (e.g., Fecal Coliform), the permittee shall implement the PCMs identified in **Appendix B** of this General Permit.
 3. Where receiving waters are impaired for Priority Organic Compounds (e.g., Polychlorinated Biphenyls (PCBs), pesticides, or other organic compounds), the permittee shall implement the PCMs identified in **Appendix C** of this General Permit.
- B. A PRP is a planning document prepared by the permittee which guides the selection and implementation of specific BMPs to reduce pollutant loading to surface waters. The objective of a PRP is to improve the condition of surface waters such that the waters eventually attain water quality standards and its designated and existing uses in accordance with 25 Pa. Code Chapter 93. A PRP shall be developed and submitted to DEP with the NOI if one or more of the following criteria are met:
 1. At the time of DEP's approval of permit coverage or at any time following approval of coverage, the permittee has at least one stormwater outfall that discharges to receiving waters within the Chesapeake Bay watershed, or otherwise at least one discharge to storm sewers owned or operated by a different entity within the Chesapeake Bay watershed. Upon approval of General Permit coverage, permittees shall implement the PRP in accordance with **Appendix D** of this General Permit.
 2. At the time of DEP's approval of permit coverage or at any time following approval of coverage, the permittee has at least one stormwater outfall that discharges to waters impaired for nutrients (i.e., nitrogen and/or phosphorus) and/or sediment (i.e., siltation), outside of the Chesapeake Bay watershed, and a TMDL has not been approved for such waters. Upon approval of General Permit coverage, permittees shall implement the PRP in accordance with **Appendix E** of this General Permit.

III. OTHER REQUIREMENTS

- A. The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance or replacement of all structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.

- B. Screenings and other solids collected by the permittee shall be handled, recycled and/or disposed of in compliance with the Solid Waste Management Act (35 P.S. §§ 6018.101 – 6018.1003), 25 Pa. Code Chapters 287, 288, 289, 291, 295, 297, and 299 (relating to requirements for landfilling, impoundments, land application, composting, processing, and storage of residual waste), federal regulation 40 CFR Part 257, The Clean Streams Law, and the Federal Clean Water Act and its amendments.
- C. DEP may require monitoring of stormwater discharge(s) as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources.
- D. The permittee shall ensure that its SWMP, including its stormwater management ordinance(s) or SOPs, is designed to prevent increased loadings of pollutants and to not cause or contribute to a violation of water quality standards by any discharges from its regulated small MS4.
- E. The permittee shall develop and maintain adequate legal authorities and shall maintain adequate funding and staffing to implement this General Permit, including the SWMP contained in Part C I of this General Permit.
- F. **Delegation of Permit Responsibilities.**
 - 1. Implementation of one or more of the MCMS identified in Part C I of this General Permit may be shared with another entity, or the other entity may fully take over implementation of the measure. The permittee is responsible for meeting all terms and conditions of this General Permit regardless of its delegations to other entities.
 - 2. The permittee shall perform reasonable oversight and the permittee remains responsible for compliance with the obligations of this General Permit if any other entity fails to implement any of the terms and conditions of this General Permit.

Commented [OE10]: Recommend including language to maintain a written MOA/MOU between parties.

APPENDIX A

**POLLUTANT CONTROL MEASURES FOR WATERS IMPAIRED BY
IRON, MANGANESE, ALUMINUM OR OTHER METALS
ASSOCIATED WITH ACID MINE DRAINAGE (AMD)**

The permittee shall implement the following Pollutant Control Measures (PCMs) within the drainage area of any outfall that discharges to waters impaired due to Iron, Manganese, Aluminum or other metals associated with Acid Mine Drainage (AMD), regardless of whether there is an approved TMDL:

- A. Within one (1) year of permit issuance, the permittee shall develop an inventory of all suspected and known anthropogenic (caused or produced by humans) sources of Iron, Manganese, Aluminum and/or other metals in stormwater within the drainage area of outfalls discharging to impaired waters. The inventory shall be submitted to DEP with the first Annual MS4 Status Report following General Permit coverage. The inventory must clearly identify whether the source is suspected or known, and the basis for this determination. The permittee shall also submit with the first Annual MS4 Status Report the proposed action(s) it plans to take during the permit term to control known sources.
- B. Within three (3) years of completion of the inventory described in paragraph A, above, the permittee shall complete an investigation of each suspected source. This investigation should include stormwater sampling if the investigation is done as part of implementing the IDD&E program under MCM #3 of the General Permit, and otherwise is voluntary. The results of the investigation of suspected sources shall be submitted to DEP within four (4) years of permit issuance.
- C. Where it is determined that sources of Iron, Manganese, Aluminum or other metals are being discharged in stormwater from industrial sites into the permittee's MS4, the permittee shall notify DEP in writing within 90 days of the permittee's findings. DEP may require the owner or operator of the industrial site to submit an application for NPDES permit coverage and/or implement BMPs to reduce pollutant loadings. This written notification is required only once per industrial site.
- D. The permittee shall conduct street sweeping and inlet cleaning at a minimum frequency of twice per year to collect pollutants that may be bound to particles resulting from air deposition, with proper disposal of the collected materials.
- E. The permittee shall document the progress of its investigations, source control efforts and BMPs to control sources of Iron, Manganese, Aluminum and other metals in its Annual MS4 Status Reports.

Commented [OE11]: How will DEP ensure that the actions required in these appendices will be properly reviewed and enforced? (i.e. Annual Report review checklist?)

Commented [OE12]: Can we offer examples to the permittees so that they know what to look for. (i.e. scrap yards)

Commented [OE13]: This sentence is confusing. Is the sampling voluntary or required?

Commented [OE14]: Twice a year street sweeping will not do much to reduce pollutants. Monthly or bi-weekly would be better.

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APPENDIX B

POLLUTANT CONTROL MEASURES FOR WATERS IMPAIRED BY BACTERIA OR PATHOGENS

The permittee shall implement the following Pollutant Control Measures (PCMs) within the drainage area of any outfall that discharges to waters impaired due to Bacteria or Pathogens (e.g., Fecal Coliform), regardless of whether there is an approved TMDL:

- A. Within one (1) year of permit issuance, the permittee shall develop an inventory of all suspected and known sources of bacteria in stormwater within the drainage area of outfalls discharging to impaired waters. The inventory shall be submitted to DEP with the first Annual MS4 Status Report following General Permit coverage. The inventory must clearly identify whether the source is suspected or known, and the basis for this determination. The permittee shall also submit with the first Annual MS4 Status Report the proposed action(s) it plans to take during the permit term to control known sources.
- B. Within three (3) years of completion of the inventory described in paragraph A, above, the permittee shall complete an investigation of each suspected source. This investigation should include stormwater sampling if the investigation is done as part of implementing the IDD&E program under MCM #3 of the General Permit, and otherwise is voluntary. The results of the investigation of suspected sources shall be submitted to DEP within four (4) years of permit issuance.
- C. All illicit and illegal discharges of sewage into the permittee's MS4 shall be ~~eliminated~~ controlled to the Maximum Extent Practicable. Anytime an illicit and illegal discharge of sewage into the MS4 is discovered by the permittee, the permittee shall report the finding in the subsequent Annual MS4 Status Report along with a description of remedial responses by the permittee.
- D. The permittee shall conduct street sweeping and inlet cleaning at a minimum frequency of twice per year to collect bacteria that may be bound to solid material, with proper disposal of the collected materials.
- E. If not already established in its Stormwater Management Ordinance (municipal permittees) or SOP (non-municipal permittees), the permittee shall develop an ordinance or SOP that requires proper management of animal wastes on property owned by the permittee within three (3) years of coverage under this General Permit. If an existing ordinance or SOP exists that controls animal wastes, it must be attached to the first Annual MS4 Annual Report following coverage under this General Permit. If a new ordinance or SOP is enacted or developed, the new ordinance or SOP must be attached to the first Annual MS4 Status Report following enactment or development.
- F. The permittee shall document the progress of its investigations, source control efforts and BMPs to control sources of bacteria in its Annual MS4 Status Reports.

Commented [OE15]: 3 years seems like a lot of time to complete the investigation, considering that's after the one year to develop the inventory.

Commented [OE16]: Same comment as App. A

Commented [OE17]: The MEP standard should not be referenced here. Discharges of sewage into the storm sewer are illegal and should be eliminated.

Commented [OE18]: Same as previous comment regarding frequency from App. A

Commented [OE19]: When does the ordinance have to be enacted/adopted? The permit only states to develop an ordinance within 3 years. 3 years is a little too long for this process.

APPENDIX C

POLLUTANT CONTROL MEASURES FOR WATERS IMPAIRED BY PRIORITY ORGANIC COMPOUNDS

The permittee shall implement the following Pollutant Control Measures (PCMs) within the drainage area of any outfall that discharges to waters impaired due to Priority Organic Compounds, including but not limited to Polychlorinated Biphenyls (PCBs), Pesticides, and any other organic compound listed at 40 CFR Part 423, Appendix A, regardless of whether there is an approved TMDL:

- A. Within one (1) year of permit issuance, the permittee shall develop an inventory of all suspected and known anthropogenic (caused or produced by humans) sources of Priority Organic Compounds in stormwater within the drainage area of outfalls discharging to impaired waters. The inventory shall be submitted to DEP with the first Annual MS4 Status Report following General Permit coverage. The inventory must clearly identify whether the source is suspected or known, and the basis for this determination. The permittee shall also submit with the first Annual MS4 Status Report the proposed action(s) it plans to take during the permit term to control known sources.
- B. Within three (3) years of completion of the inventory described in paragraph A, above, the permittee shall complete an investigation of each suspected source. This investigation should include stormwater sampling if the investigation is done as part of implementing the IDD&E program under MCM #3 of the General Permit, and otherwise is voluntary. The results of the investigation of suspected sources shall be submitted to DEP within four (4) years of permit issuance.
- C. Where it is determined that sources of Priority Organic Compounds are being discharged in stormwater from industrial sites into the permittee's MS4, the permittee shall notify DEP in writing within 90 days of the permittee's findings. DEP may require the owner or operator of the industrial site to submit an application for NPDES permit coverage and/or implement BMPs to reduce pollutant loadings. This written notification is required only once per industrial site.
- D. The permittee shall conduct street sweeping and inlet cleaning at a minimum frequency of twice per year to collect pollutants that may be bound to solid particles, with proper disposal of the collected materials.
- E. The permittee shall document the progress of its investigations, source control efforts and BMPs to control sources of Priority Organic Compounds in its Annual MS4 Status Reports.

Commented [OE20]: Again, can we provide permittees with examples of common sources so that they have a starting point to begin their investigation?

Commented [OE21]: Same comment as App. A & B

Commented [OE22]: How about requiring a report of pollutant collected?

APPENDIX D

POLLUTANT REDUCTION PLAN REQUIREMENTS FOR DISCHARGES TO THE CHESAPEAKE BAY WATERSHED

MS4 permittees with at least one stormwater discharge to receiving waters within the Chesapeake Bay watershed must develop and submit a Chesapeake Bay Pollutant Reduction Plan (CBPRP) with the NOI to reduce the load of nutrients (nitrogen and phosphorus) and sediment to receiving waters. In the event the permittee also has at least one stormwater discharge to local receiving waters outside of the Chesapeake Bay watershed that are considered impaired for nutrients and/or sediment, the CBPRP may be combined with the PRP for localized nutrient and/or sediment impairment.

The CBPRP is approved upon DEP's approval of coverage under this General Permit. The permittee shall implement its approved CBPRP as follows:

1. The permittee shall achieve the pollutant load reduction(s) (lbs/year) proposed in its CBPRP during the term of coverage under this General Permit. The minimum percent reduction for nutrients and sediment shall be 5% during the term of General Permit coverage. For example, if the permittee determines its existing load of sediment to receiving waters is 100,000 lbs/year, the permittee must demonstrate a sediment load reduction of 5,000 lbs/year by the expiration date of this General Permit. This demonstration shall be made in the fifth (5th) Annual MS4 Status Report submitted to DEP following General Permit coverage.
2. The BMPs proposed in the CBPRP for the term of General Permit coverage shall be implemented in accordance with the schedule in the CBPRP. In the event the permittee determines it cannot achieve a scheduled milestone in its CBPRP, or decides to modify the proposed BMPs, the permittee shall submit an update to its CBPRP prior to the scheduled milestone date with the alternative schedule or BMPs. A modified CBPRP that meets the conditions of this paragraph and paragraph 3, below, may be implemented upon submission to DEP unless DEP issues an objection in writing.
3. Modifications to CBPRPs shall solicit public involvement and participation, as follows:
 - a. The permittee shall make a complete copy of the CBPRP available for public review.
 - b. The permittee shall publish, in a newspaper of general circulation in the area, a public notice containing a statement describing the plan, where it may be reviewed by the public, and the length of time the permittee will provide for the receipt of comments.
 - c. The permittee must accept written comments for a minimum of 30 days from the date of public notice.
 - d. The permittee must accept comments from any interested member of the public at a public meeting or hearing, which may include a regularly scheduled meeting of the governing body of the municipality or municipal authority that is the permittee.
 - e. The permittee shall consider and make a record of the consideration of each timely comment received from the public during the public comment period concerning the plan, identifying any changes made to the plan in response to the comment.

Modified CBPRPs submitted to DEP must include a copy of the newspaper notice, a copy of all written comments received from the public and a copy of the permittee's record of consideration of all timely comments received in the public comment period.

4. Progress with achieving the required pollutant load reductions shall be reported in each Annual MS4 Status Report.

Commented [OE23]: Need a discussion in the permit and fact sheet about permit coverage while awaiting plan approval to avoid a situation similar to the one we have now with permittees not understanding which permit they have coverage under.

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Commented [OE24]: How is the permittee supposed to determine the existing load? That should be included in this appendix. Similarly, how are the reductions to be calculated?

Commented [OE25]: These 2 highlighted areas could be two different dates. Language should be reworded for consistency.

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Commented [OE26]: After how long a time period?

Commented [OE27]: This section should be referenced in the permit under MCMs #1 and #2.

APPENDIX E

POLLUTANT REDUCTION PLAN REQUIREMENTS FOR DISCHARGES TO WATERS IMPAIRED FOR NUTRIENTS AND/OR SEDIMENT OUTSIDE THE CHESAPEAKE BAY WATERSHED

MS4 permittees with at least one stormwater discharge to receiving waters considered impaired for nutrients and/or sediment must develop and submit a Pollutant Reduction Plan (PRP) with the NOI to reduce the pollutant loads to those waters. In the event the permittee also has at least one stormwater discharge to receiving waters within the Chesapeake Bay watershed, the PRP may be combined with the CBPRP described in Appendix DE.

The PRP is approved upon DEP's approval of coverage under this General Permit. The permittee shall implement its approved PRP as follows:

1. The permittee shall achieve the pollutant load reduction(s) (lbs/year) proposed in its PRP during the term of coverage under this General Permit. The minimum percent reduction shall be 5% during the term of General Permit coverage. For example, if the permittee determines its existing load of sediment to receiving waters is 100,000 lbs/year, the permittee must demonstrate a sediment load reduction of 5,000 lbs/year by the expiration date of this General Permit. This demonstration shall be made in the fifth (5th) Annual MS4 Status Report submitted to DEP following General Permit coverage.
2. The BMPs proposed in the PRP for the term of General Permit coverage shall be implemented in accordance with the schedule in the PRP. In the event the permittee determines it cannot achieve a scheduled milestone in its PRP, or decides to modify the proposed BMPs, the permittee shall submit an update to its PRP prior to the scheduled milestone date with the alternative schedule or BMPs. A modified PRP that meets the conditions of this paragraph and paragraph 3, below, may be implemented upon submission to DEP unless DEP issues an objection in writing.
3. Modifications to PRPs shall solicit public involvement and participation, as follows:
 - a. The permittee shall make a complete copy of the PRP available for public review.
 - b. The permittee shall publish, in a newspaper of general circulation in the area, a public notice containing a statement describing the plan, where it may be reviewed by the public, and the length of time the permittee will provide for the receipt of comments.
 - c. The permittee must accept written comments for a minimum of 30 days from the date of public notice.
 - d. The permittee must accept comments from any interested member of the public at a public meeting or hearing, which may include a regularly scheduled meeting of the governing body of the municipality or municipal authority that is the permittee.
 - e. The permittee shall consider and make a record of the consideration of each timely comment received from the public during the public comment period concerning the plan, identifying any changes made to the plan in response to the comment.

Modified PRPs submitted to DEP must include a copy of the newspaper notice, a copy of all written comments received from the public and a copy of the permittee's record of consideration of all timely comments received in the public comment period.

4. Progress with achieving the required pollutant load reductions shall be reported in each Annual MS4 Status Report.

Commented [OE28]: Same comment as Appendix D-how are loads supposed to be calculated by permittees?

Commented [OE29]: This section should be referenced in the permit under MCMs #1 and #2.